

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

THOMAS BLITZ, a Wisconsin consumer;
KEVIN BLAIR, an Illinois consumer;
GREGORY CHICK, a California consumer;
MARIO WASHINGTON, a New York
consumer; TERENCE D. MOORE, a New
Jersey consumer; and RICHARD J. DULNIAK,
a Florida consumer, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

MONSANTO COMPANY, a Missouri
Corporation; and SCOTTS MIRACLE-GRO
COMPANY, an Ohio Corporation,

Defendants.

Case No. 3:17-cv-00473

**DEFENDANT MONSANTO COMPANY'S
MOTION TO DISMISS PLAINTIFFS' COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 12(b)(2), and 12(b)(6), Defendant Monsanto Company (“Monsanto”), by and through its attorneys, Husch Blackwell LLP and Winston & Strawn, moves to dismiss the Complaint filed by Plaintiffs Thomas Blitz, Kevin Blair, Gregory Chick, Mario Washington, Terence D. Moore, and Richard J. Dulniak. In support of its motion, Monsanto submits its Brief in Support and accompanying Declaration and exhibits, filed contemporaneously herewith.

Respectfully submitted this 28th day of August, 2017.

Attorneys for Monsanto Company

HUSCH BLACKWELL LLP

By: *s/ Thomas P. Heneghan*

Thomas P. Heneghan
State Bar No. 1024057
Paul D. Cranley
State Bar No. 1050029

33 E. Main Street, Suite 300
P.O. Box 1379
Madison, Wisconsin 53701-1379
Phone: (608) 255.4440
Fax: (608) 258.7138
Tom.Heneghan@huschblackwell.com
Paul.Cranley@huschblackwell.com

WINSTON & STRAWN LLP

John J. Rosenthal (pro hac vice
forthcoming)
Adam S. Nadelhaft (pro hac vice
forthcoming)

1700 K Street, N.W.
Washington, D.C. 20006
Phone: (202) 282-5000
Fax: (202) 282-5100
jrosenthal@winston.com
anadelhaft@winston.com